



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)  
DW 05-04

JAMES V. COSTIGAN, ESQ.  
HEDMAN & COSTIGAN, P.C.  
SUITE 2003  
1185 AVENUE OF THE AMERICAS  
NEW YORK NY 10036-2646

**COPY MAILED**

**SEP 1 5 2004**

**OFFICE OF PETITIONS**

In re Application of	:	
Filippo Oneda	:	
Application No. 10/706,681	:	DECISION DISMISSING
Filed: 12 November, 2003	:	PETITION
Attorney Docket No. 1340-019	:	

This is a decision on the petition filed on 13 August, 2004, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application, including Figure 1 described in the specification, be accorded a filing date of 12 November, 2003.

The application was filed on 12 November, 2003. However, on 4 August, 2004, the Office mailed a "Notice of Omitted Items in a Nonprovisional Application" stating that the application had been accorded a filing date of 12 November, 2003, and advising applicants that Figure 1 described in the specification (description and claims) appeared to have been omitted from the application.

In response, on 13 August, 2004, the present petition was filed, along with a copy of Figure 1. Petitioner asserts that Figure 1 was filed with the other application papers deposited on 12 November, 2003, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). Petitioner asserts that a copy of a return receipt postcard showing receipt of Figure 1 in the USPTO is being supplied with the present petition. In support, a copy of petitioner's postcard receipt was supplied with the present petition. However, no copy of an itemized postcard receipt can be located among the papers received with the petition filed on 13 August, 2004. As such, the petition must be dismissed without prejudice to reconsideration pending submission of a copy of the originally-filed itemized postcard receipt.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136. The application will be retained in the Office of Petitions for **TWO (2) MONTHS** to await petitioner's reply to this decision. If no response is received within two (2) months, the application will be forwarded to the Office of Initial Patent Examination for further processing with a filing date of 12 November, 2003, using only the application papers filed on that date.

As the present petition was not necessitated by an error on the part of the USPTO, the petition fee of \$130.00 will be charged to counsel's deposit account, No. 08-1540.

Further correspondence with respect to this matter should be addressed as follows:

By mail:           Mail Stop Petition  
                  Commissioner for Patents  
                  P.O. Box 1450  
                  Alexandria, VA 22313-1450

By FAX:           (703) 872-9306  
                  Attn: Office of Petitions

By hand:          U.S. Patent and Trademark Office  
                  220 20<sup>th</sup> Street S.  
                  Customer Window, Mail Stop Petition  
                  Crystal Plaza 2, Lobby, Room 1B03  
                  Arlington, VA 22202

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions